

*Waiver of Preemption* means a decision by the Associate Administrator to forego preemption of a non-Federal requirement—that is, to allow a State, political subdivision or Indian tribe requirement to remain in effect. The non-Federal requirement must provide at least as much public protection as the Federal hazardous materials transportation law and the regulations issued under Federal hazardous materials transportation law, and may not unreasonably burden commerce.

[67 FR 42951, June 25, 2002, as amended at 68 FR 52846, Sept. 8, 2003; 70 FR 56087, Sept. 23, 2005; 70 FR 73158, Dec. 9, 2005]

EFFECTIVE DATE NOTE: At 80 FR 54436, Sept. 10, 2015, §105.5 was amended in paragraph (b) by revising the definitions of “approval” and “special permit”, effective Nov. 9, 2015. For the convenience of the user, the revised text is set forth as follows:

#### § 105.5 Definitions.

\* \* \* \*

(b) \* \* \*

*Approval* means a written authorization, including a competent authority approval, issued by the Associate Administrator, the Associate Administrator’s designee, or as otherwise prescribed in the HMR, to perform a function for which prior authorization by the Associate Administrator is required under subchapter C of this chapter (49 CFR parts 171 through 180).

\* \* \* \*

*Special permit* means a document issued by the Associate Administrator, the Associate Administrator’s designee, or as otherwise prescribed in the HMR, under the authority of 49 U.S.C. 5117 permitting a person to perform a function that is not otherwise permitted under subchapter A or C of this chapter, or other regulations issued under 49 U.S.C. 5101 *et seq.* (e.g., Federal Motor Carrier Safety routing requirements).

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### Subpart B—General Procedures

#### § 105.15 Defined terms used in this subpart.

The following defined terms (see subpart A of this part) appear in this subpart: Approval; Federal hazardous materials transportation law; Hazardous material; Hazardous materials regula-

tions; Indian tribe; Preemption determination; Special permit; State; Transportation; Waiver of preemption

[67 FR 42951, June 25, 2002, as amended at 70 FR 73159, Dec. 9, 2005]

#### OBTAINING GUIDANCE AND PUBLIC INFORMATION

#### § 105.20 Guidance and interpretations.

(a) *Hazardous materials regulations.* You can obtain information and answers to your questions on compliance with the hazardous materials regulations (49 CFR parts 171 through 180) and interpretations of those regulations by contacting PHMSA’s Office of Hazardous Materials Safety as follows:

(1) Call the Hazardous Materials Information Center at 1-800-467-4922 (in Washington, DC, call (202) 366-4488). The Center is staffed from 9 a.m. through 5 p.m. Eastern time, Monday through Friday except Federal holidays. After hours, you can leave a recorded message and your call will be returned by the next business day.

(2) E-mail the Hazardous Materials Information Center at [infocntr@dot.gov](mailto:infocntr@dot.gov).

(3) Obtain hazardous materials safety information via the Internet at <http://www.phmsa.dot.gov>.

(4) Send a letter, with your return address and a daytime telephone number, to: Standards and Rulemaking Division, Pipeline and Hazardous Materials Safety Administration, Attn: PHH-10, U.S. Department of Transportation, East Building, 1200 New Jersey Avenue, SE., Washington, DC 20590-0001.

(b) *Federal hazardous materials transportation law and preemption.* You can obtain information and answers to your questions on Federal hazardous materials transportation law, 49 U.S.C. 5101 *et seq.*, and Federal preemption of State, local, and Indian tribe hazardous material transportation requirements, by contacting PHMSA’s Office of the Chief Counsel as follows:

(1) Call the office of the Chief Counsel at (202) 366-4400 from 9 a.m. to 5 p.m. Eastern time, Monday through Friday except Federal holidays.

(2) Access information from the Office of the Chief Counsel via the Internet at <http://www.phmsa.dot.gov>.

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(3) Send a letter, with your return address and a daytime telephone number, to: Office of the Chief Counsel, Pipeline and Hazardous Materials Safety Administration, Attn: PHC-10, U.S. Department of Transportation, East Building, 1200 New Jersey Avenue, SE., Washington, DC 20590-0001.

(4) Contact the Office of the Chief Counsel for a copy of applications for preemption determinations, waiver of preemption determinations, and inconsistency rulings received by PHMSA before February 1, 1997.

[70 FR 56087, Sept. 23, 2005, as amended at 72 FR 55682, Oct. 1, 2007; 76 FR 56310, Sept. 13, 2011]

### § 105.25 Reviewing public documents.

PHMSA is required by statute to make certain documents and information available to the public. You can review and copy publicly available documents and information at the locations described in this section.

(a) *DOT Docket Management System.* Unless a particular document says otherwise, the following documents are available for public review and copying at the Department of Transportation's Docket Management System, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590-0001, or for review and downloading through the Internet at <http://www.regulations.gov>.

(1) Rulemaking documents in proceedings started after February 1, 1997, including notices of proposed rulemaking, advance notices of proposed rulemaking, public comments, related FEDERAL REGISTER notices, final rules, appeals, and PHMSA's decisions in response to appeals.

(2) Applications for special permits numbered DOT-E or DOT-SP 11832 and above. Also available are supporting data, memoranda of any informal meetings with applicants, related FEDERAL REGISTER notices, public comments, and decisions granting or denying applications for special permits.

(3) Applications for preemption determinations and waiver of preemption determinations received by PHMSA after February 1, 1997. Also available are public comments, FEDERAL REGISTER notices, and PHMSA's rulings, determinations, decisions on reconsid-

eration, and orders issued in response to those applications.

(b) *Office of Pipeline and Hazardous Materials Safety Administration's Office of Hazardous Materials Safety.* (1) You may obtain documents (*e.g.*, proposed and final rules, notices, letters of clarification, safety notices, DOT forms and other documents) by contacting the Hazardous Materials Information Center at 1-800-467-4922 or through the Internet at <http://www.phmsa.dot.gov>.

(2) Upon your written request, we will make the following documents and information available to you:

(i) Appeals under 49 CFR part 107 and PHMSA's decisions issued in response to those appeals.

(ii) Records of compliance order proceedings and PHMSA compliance orders.

(iii) Applications for approvals, including supporting data, memoranda of any informal meetings with applicants, and decisions granting or denying approvals applications.

(iv) Applications for special permits numbered below DOT-E or DOT-SP 11832 and related background information are available for public review and copying at the Office of Hazardous Materials Safety, Approvals and Permits Division, U.S. Department of Transportation, PHH-30, East Building, 1200 New Jersey Avenue, SE., Washington, DC 20590-0001.

(v) Other information about PHMSA's hazardous materials program required by statute to be made available to the public for review and copying and any other information PHMSA decides should be available to the public.

(3) Your written request to review documents should include the following:

(i) A detailed description of the documents you wish to review.

(ii) Your name, address, and telephone number.

(4) Send your written request to: Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, Attn: PHH-1, U.S. Department of Transportation, East Building, 1200